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EXAMINER

HO, THOMAS Y

ART UNIT

PAPER NUMBER

3677

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

09/913,865

**Applicant(s)**

CETNAR ET AL.

**Examiner**

Thomas Y Ho

**Art Unit**

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 3/10/02.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☒ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-11 are rejected under 35 U.S.C. 102(b) as being anticipated by Rogakos  
USPN4763936.

As to claim 1, Rogakos discloses:

- A ratchet 34/62 for engaging a striker 12.
- The ratchet being rotatable between a closed position and an open position and including at least one detent surface 68/70 and biasing member (col.3, ln.56-69) for biasing the ratchet towards the open position.
- A pawl 76 for engaging the at least one detent surface to selectively resist rotation of the ratchet towards the open position.
- A rotary actuator 58/60 for rotating the ratchet toward the closed position and for disengaging the pawl from the at least one detent surface.
- A drive actuator 42/110 including a prime mover 42, an output member 110 in engagement with the rotary actuator, and a clutch 116 coupled between the prime mover and the output member for selectively transferring torque between the prime mover and the rotary actuator (col.4, ln.39-68; col.5, ln.1-2; col.9, ln.1-27).

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- A drive controller 118/Figure 7a for controlling the operation of the drive actuator.  
The drive controller consists of the electronic switch/pad/arm components shown in Figures 7a-7e, which act to drive all elements of the lock mechanism, as well as lever member 118.
- The drive controller being coupled to the clutch and being configured for disengaging the prime mover from the rotary actuator when the ratchet is disposed in one of the closed and open positions (col.9, ln.1-27).
- Said rotary actuator having a cinching arm 130 engaging said ratchet upon rotation of said rotary actuator in a first sense to rotate the ratchet towards the closed position.
- Said rotary actuator having a relating arm 96 engaging said pawl upon rotation of said rotary actuator in a second sense opposite said first sense to disengage the pawl from the at least one detent surface.

As to claim 2, Rogakos discloses:

- The rotary actuator 58/60 is rotatable through a null position wherein the rotary actuator is disengaged from the ratchet and the pawl. This null position is when the rotary actuator 58/60 is not engaged with either part 96 or 130.

As to claim 3, Rogakos discloses:

- The drive controller 118/Figure 7a is configured for disengaging the prime mover 42 from the rotary actuator 58/60 when the rotary actuator is disposed in the null position.

As to claim 4, Rogakos discloses:

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- The rotary actuator 58/60 includes a lost motion linkage for allowing limited rotational movement of the ratchet 34 relative to the rotary actuator when the ratchet is disposed in the open position (col.6, ln.5-21).

As to claim 5, Rogakos discloses:

- One 68 of the at least one detent surfaces 68/70 is disposed for providing in cooperation with the pawl 76 a partially open position between the open and closed positions, and the limited rotational movement is provided between the open and partially open positions.

As to claim 6, Rogakos discloses:

- The drive controller 118/Figure 7a includes a first switch 140 for selectively operating the prime mover 42 (through intermediary parts), and the pawl includes a finger 84 disposed for engagement with the first switch when the rotary actuator 58/60 is disposed in the null position. The pawl finger 84 engages the first switch 140 through engagement with the ratchet part 62. The switch 140 is a fork bolt switch arm that is engaged to the fork bolt 62 (col.6, ln.21-32).

As to claim 7, Rogakos discloses:

- The drive controller 118/Figure 7a includes a second switch 138 for selectively operating the clutch 116 (through intermediary parts).
- The ratchet 34/62 includes a cam surface 36 disposed for engagement with the second switch when the ratchet is disposed in the closed position. The ratchet 34/62 is engaged through a cam surface 36 to the second switch by intermediary parts, namely the output gear 52 that is connected to the switch arm 138.

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As to claim 8, Rogakos discloses:

- Including a manual release lever 166, and the pawl 76 includes an arm 98 coupled to the release lever for releasing the pawl from the ratchet upon activation of the release lever.

As to claim 9, Rogakos discloses:

- The ratchet 34/62 is disposed for rotation about a first axis 40.
- The pawl 76 is disposed for rotation for about a fixed axis 80 parallel to the first axis.

As to claim 10, Rogakos discloses:

- The drive actuator 42/110 is disposed for rotation about the first axis 40.

As to claim 11, Rogakos discloses:

- A door pivotable about a door axis and including a latch actuation lever and an aperture for receiving a striker plate therein (col.8, ln.10-30).
- A power door latch assembly disposed within the door and being in communication with the latch actuation lever.
- The power door latch assembly including a ratchet 34/62 for engaging the striker 12.
- The ratchet being rotatable between a closed position and an open position and including at least one detent surface 68/70 and biasing member (col.3, ln.56-69) for biasing the ratchet towards the open position.
- A pawl 76 for engaging the at least one detent surface to selectively resist rotation of the ratchet towards the open position.
- A rotary actuator 58/60 for rotating the ratchet toward the closed position and for disengaging the pawl from the at least one detent surface.

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- A drive actuator 42/100 including a prime mover 42, an output member 110 in engagement with the rotary actuator, and a clutch 116 coupled between the prime mover and the output member for selectively transferring torque between the prime mover and the rotary actuator.
- A drive controller 118/Figure 7a for controlling the operation of the drive actuator.
- The drive controller being coupled to the clutch and being configured for disengaging the prime mover from the rotary actuator when the ratchet is disposed in one of the closed and open positions.
- Said rotary actuator having a cinching arm 130 engaging said ratchet upon rotation of said rotary actuator in a first sense to rotate the ratchet towards the closed position.
- Said rotary actuator having a relating arm 96 engaging said pawl upon rotation of said rotary actuator in a second sense opposite said first sense to disengage the pawl from the at least one detent surface.

#### ***Response to Arguments***

Applicant's arguments with respect to claims 1-11 have been considered but are moot in view of the new ground(s) of rejection.

#### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO**

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MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thomas Y Ho whose telephone number is (703)305-4556. The examiner can normally be reached on M-F 10:00AM-6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J Swann can be reached on (703)306-4115. The fax phone numbers for the organization where this application or proceeding is assigned are (703)872-9326 for regular communications and (703)872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)306-1113.

TYH  
May 29, 2003

  
J. J. SWANN  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600